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Admitted to Practice:  
New York  
New Jersey

**MEMORANDUM ENDORSED**

June 17, 2024

Hon. Gregory H. Woods  
United States District Judge  
500 Pearl Street  
New York, NY 10007

Re: Viahart v. Creative Kids  
Docket No. 20-9943

Dear Judge Woods:

I am the attorney for the defendants in the above-entitled matter. This morning the Court filed an Order directing the defendants' Exhibits be filed electronically and delivered to Chambers by noon today.

This morning, I was at the Appellate Division to argue an appeal in an action entitled Wells Fargo Bank v. Weiss. I returned to my office at approximately 2:15 PM and saw the Court's Order. I hereby respectfully request an extension to file the Exhibits with Chambers until 2:00 P.M. tomorrow. The reason that I am requesting this time is because I have two motions to be argued in the Supreme Court, Kings County tomorrow. After argument of the motions, it is my intention to deliver the Exhibits to Chambers.

With respect to electronic filing, I filed my Exhibits electronically on June 14, 2024. As stated to the Court at the conference on that date, I will file the Exhibits as listed on the Exhibit List on that date and will re-file them with "sub-numbers" today. I have not received a link which would allow me to file them today. I called Chambers and left a message for Ms. Adolphe requesting a link. The link which I received on June 14, 2024 has expired.

As indicated, the Court previously granted an extension to file my Exhibits. I e-mailed plaintiff's attorney at 2:25 PM today and asked whether they would consent to such an extension. I have not received a response.

Respectfully submitted,

/s/ Solomon Rosengarten

Solomon Rosengarten

cc: Charles Wallace, Esq. (via ECF)  
Jamie Welles, Esq. (via ECF)

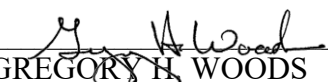
Application denied. Defendants request an extension of time to submit their corrected exhibits electronically and in physical form. Dkt. No. 249. Defendants' letter contain a number of misleading statements of fact. The June 14, 2024 order by the Court that Defendants represent was posted this morning merely reflects the oral orders the Court directed--and that counsel for Defendants heard and affirmatively committed to meeting--at the final pretrial conference held on Friday, June 14, 2024. *See* Dkt. No. 248 ("As discussed on the record during the June 14, 2024 final pretrial conference . . ."). Defendants have been aware of their obligation to deliver exhibits by June 17, 2024. Defendants are also incorrect that the Court "previously granted an extension to file [their] Exhibits." The Court has never extended Defendants' deadline--Defendants violated, and remain in violation of, the April 19, 2024 deadline for the parties to jointly submit their exhibits along with their other pretrial submissions, which the Court established by order on November 14, 2023. Dkt. No. 203. Indeed, the Court's order on Defendants' last-minute June 14, 2024 letter motion for an extension of time to file their exhibits explicitly denied Defendants' motion. Dkt. No. 247 ("Defendants' request for an extension of time to file their exhibits, Dkt. No. 246, is denied."). Finally, while Defendants represent that they "filed [their] Exhibits electronically on June 14, 2024," the Court's system indicates that, while the link to upload Defendants' exhibits was accessed on June 14, no files were uploaded to the Court's drive. In short, no exhibits were filed on June 14, 2024, contrary to Defendants' representations otherwise.

The Court will consider any revised exhibits Defendants submit by June 17, 2024 at 2:00 p.m. The Court has sent counsel for Defendants a link to upload their exhibits today. The link will expire today. Yet again, for the avoidance of doubt, Defendants' request for an extension of time to submit their exhibits is, and continues to be, denied, and Defendants' failure to comply with the Court's orders remains unexcused. Defendants' continued failure to comply with Court orders may result in the imposition of sanctions.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 249.

SO ORDERED.

Dated: June 17, 2024  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge